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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,678	10/29/2003	Roger S. Kerr	81407ANAB	5036

7590 08/09/2005

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Rochester, NY 14650-2201

EXAMINER

PURVIS, SUE A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,678

Applicant(s)

KERR, ROGER

Examiner

Sue A. Purvis

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US Patent No. 6,022,440) in view of Houle et al. (US Patent No. 3,486,450).

Regarding claim 1, Nordeen discloses an imaged laminate suitable for use in color proofing comprising (column 2, lines 28-32):

- (1) An imaged layer comprising a thermoplastic (column 6, lines 41-59);
- (2) A second thermoplastic layer (column 6, lines 60-65) disposed on the first thermoplastic layer with the image disposed there between; and
- (3) A support (substrate) layer disposed on the surface of the second thermoplastic layer opposite that upon which is disposed the first thermoplastic layer.

Although Nordeen does not specifically disclose that the support layer is clear. Nonetheless, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize a clear or transparent support (substrate) layer in the method of Nordeen, because Nordeen discloses that there exists no real limitation of the nature of the substrate - they disclose a variety of materials may be used such as polymeric films, paper, glass, cardboard, metal sheeting (column 7, lines 7-12) and furthermore looking to Houle, also drawn to color proof laminates, which discloses that transparent color proof supports

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are known in the art (column 1, lines 42-46; column 2, lines 1- 71). In addition, it is appreciated to one of ordinary skill in the art that the method of Nordeen in view of Houle would result in a material with a surface energy charge, because the method is the same as applicants.

Regarding claim 4, Nordeen discloses that the image may comprise a multi-colored imaged (column 3, lines 3-20).

Regarding claim 5, Nordeen discloses that the second thermoplastic layer has a thickness of from 2 to 10 gm (column 7, lines 3-6).

3. Claims 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen in view of Houle as applied to claim 1 above, and further in view of Silverbrook (US Patent No. 5,984,446).

Although Nordeen in view of Houle as combined discloses that the image may comprise a multicolored image formed by, for example, ink-jet printing, they do not specifically disclose, as per claim 3, that the image comprises monochrome images having a resolution, as per claims 6 and 7, of between 1400 to 4000dpi and 1800 to 3000 dpi, respectively.

Nonetheless, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize monochrome images printed at the claimed image resolution, because Silverbrook, also drawn to methods for the formation ink-jet printed images, disclose that it is typical in the color proofing arts to form individual monochrome (YMCK) color separation films at resolutions of between 1800 and 3600dpi (column 28, lines 12-24).

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

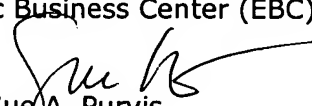
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sue A. Purvis
Primary Examiner
Art Unit 1734

SP
August 5, 2005